

## The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency

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**Abstract:** This study is grounded in the socio-cultural context of Muslim Dayak communities living in the rural and geographically isolated regions of Kotawaringin Timur Regency. They prefer to resolve disputes through the mantir custom rather than going through formal channels in the Religious Court. This study aims to analyze the role of mantir adat in resolving domestic disputes within the Muslim Dayak community and to identify the reasons behind their preference for customary mechanisms over religious courts, which are perceived as less efficient, costly, and less in harmony with local values. This research adopts an empirical methodology with a socio-legal approach, focusing on the local norms and customary practices within the Regency of Kotawaringin Timur. Findings show that the public more often chooses custom mantir because the procedure is considered simpler, requires no legal skills or help from an advocate, is closer in a geographical sense, and incurs no high costs. Additionally, the custom mantir service is flexible and available when needed. The findings underscore the critical role of customary functionaries in facilitating the resolution of communal disputes through a synergistic framework, in alignment with national legal mandates.

## Introduction

In the sociocultural context of East Kotawaringin Regency, the positions of damang and mantir adat serve as key leadership roles and are highly respected figures within the Dayak community's customary governance structure. This customary head greatly helps the community in resolving problems, such as domestic disputes, fights, defamation, and also fights between residents. The reality shows that the social leadership of the Customary Head is critical and continues to receive attention from the community (Franata, 2016).

Efforts to resolve domestic disputes within the Dayak tribe are typically resolved through deliberation led by the traditional village head, who serves as a peace judge, allowing both parties to return to peace and harmony (Darman, 2020). In general, people in rural areas still use customs, so the role of the Traditional Head is very much needed to help and supervise the community. In this case, the traditional mantir is the conventional head and also helps the village government to resolve disputes in their area. Therefore, the Traditional

*The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency*

Abdul Khair, et al.

Head is the father of the residents and also acts as the head of the association and leader in the village community area.

During field observations in Kotawaringin Timur Regency, the research team found that traditional leaders, namely damang and mantir adat, played an effective role in mediating and resolving a wide range of disputes among community members. Notably, they could also resolve domestic disputes for Muslim couples. According to the regulations, these domestic disputes should be resolved by a formal court.

The results of an interview with Mr. Musrizal, a traditional mantir in Sungai Uber Mandiri village, he said: "Since I became a conventional mantir in Sungai Uber Mandiri village, I have resolved several domestic disputes from Muslim residents. Alhamdulillah, some were successful and did not get divorced, but some were not resolved and had to get divorced (Musrizal, Interview). In fact, according to legal regulations, Muslims who have disputes about domestic problems can resolve their issues in the Religious Court. This is what interested the research team in making it a theme for the research.

To date, there has been a lack of focused scholarly investigation on the role of the mantir adat in addressing household conflicts within the Dayak Muslim community. Researchers are generally more interested in studying the role of the adat mantir in leading traditional marriage ceremonies, land-clearing rituals, and village cleaning efforts, particularly when residents commit acts of moral violation.

The Dayak people believe that ancestral spirits guard the land and forest around them, so when clearing land, they must ask for permission from these spirits, which is carried out in a ceremony led by the traditional chief (Gumelar, 2024; Hamat & Pandor, 2024; Njau et al., 2019; Sakinah & Surtikanti, 2024; Tabitha Mandala et al., 2022). This is the primary task of the traditional chief, as they can communicate with creatures that are invisible to ordinary humans. In addition, the conventional chief also oversees sacred objects and the course of religious ceremonies (Bella et al., 2021).

A customary mantir in carrying out his duties and in upholding customs, one must always pay attention to changes that occur. There are legal developments in society, so it is essential to follow these developments, primarily since the customary head acts as a village peace judge. If there is a dispute or actions that are not by the law in society, the Customary Head acts to restore peace and balance in the village.

For the community in East Kotawaringin Regency, there are already regulations on Customary Heads regulated in the Regional Regulation (Perda) of Central Kalimantan Province No. 6 of 2008 Article 4 which states that "Customary Heads in Central Kalimantan Province are customary heads at the sub-district level, namely: 1) the Sub-district Dayak Customary Council called damang and 2) the customary head at the Village/Kelurahan level called Mantir Adat (Perda of Central Kalimantan Province No. 6 of 2008, Article 4).

The position of the Customary Head is critical, and it is supported by the Provincial Government, which provides monthly incentives. This regulation is outlined in Article 40, paragraph 1, which states: "To support the implementation of the work program and operations of the National Dayak Customary Council in Central Kalimantan and the Provincial Dayak

## ***The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency***

Abdul Khair, et al.

Customary Council, the Central Kalimantan Provincial Government is obliged to assist the Regional Revenue and Expenditure Budget."

Article 40 paragraph (4) of the Regional Regulation (Perda) states: "In addition to receiving assistance as referred to in paragraph (2), the functionaries of the Kedamangan Institution are also given a fixed income every month on a sharing basis between the Provincial Government and the Regency/City Government". Thus, the roles of traditional leaders, including both the damang and the mantir adat, are recognized as critical and strategic within the sociocultural governance of the community.

This paper aims to analyze the role of customary mantir in resolving household disputes among the Dayak Muslim community and the reasons why they prefer customary channels over religious courts. Dispute resolution through customary mantir is considered more effective, efficient, and in line with local values than the formal system, which is procedural and expensive.

The distinctiveness of this study lies in the observed tendency of Muslim Dayak residents in East Kotawaringin Regency to prefer resolving household disputes through the involvement of the mantir adat, rather than formal legal mechanisms. The main task of this traditional mantir is to lead land clearing ceremonies and religious ceremonies, such as the tiwah ceremony, the manajah antang ceremony, marriage ceremonies, death/Balian, and maples (Pelu, 2020), because this traditional leader is a figure who can connect and communicate with ancestral spirits.

### **Method**

This research adopts a qualitative design, utilizing an empirical approach to explore and analyze issues identified through field observations and in-depth interviews. Observations were conducted to record direct conflict resolution practices, while interviews were conducted to explore the reasons why the Muslim Dayak community resolves household problems with the customary head. Research informants were selected purposively, namely, those who have direct knowledge and experience in resolving customary conflicts. They consist of Customary Heads (Damang and Customary Mantir), community leaders, and parties involved in social disputes. The object of this study is the practice of resolving social conflicts by Customary Heads in East Kotawaringin Regency. This study focuses on customary mechanisms in resolving community problems, while the subjects of this study are the customary mantir and the customary head damang.

This study utilizes two data sources: primary data and secondary data. Primary data is data obtained directly through interviews. Secondary data is data obtained by researchers indirectly through various kinds of literature, books, journals, and theses. The data analysis in this study follows four sequential stages: data collection, data reduction, data presentation, and finally, conclusion drawing and verification.

### **Results and Discussion**

Indonesia is a culturally diverse nation, where numerous communities continue to uphold traditions and customary practices deeply embedded in their cultural heritage. These customary institutions can be found in various

## ***The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency***

Abdul Khair, et al.

cultural artifacts, some of which have been utilized in the process of resolving disputes, both between individuals and between groups within society (Hsb et al., 2025; Lubis & Safithri, 2021; Solihan et al., 2025; Yuliyanto, 2017). Indeed, customary law is a law that continually develops in society, which is the hope for every citizen to follow. In customary law, there is a portrayal of a safe and peaceful lifestyle, both physically and mentally, which citizens highly desire (Marheni et al., 2022).

Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia has recognized and justified the existence and traditional rights of customary law, the existence of which has been intensely felt because it is considered very appropriate for the Republic of Indonesia. This implies that the village functions not only as a domain where customary law is actively practiced, but also as the foundational unit within the administrative structure of the Republic of Indonesia. In reality, the village government in Indonesia is based on the existence of original rights and customs that are upheld by its citizens (Hangge et al., 2023).

The role of the traditional leader is indeed strategic; in addition to acting as a traditional leader who maintains and defends conventional values that are believed to be true, a traditional leader also plays a vital role in assisting the village and sub-district governments (formal leaders), the conventional leader also helps to foster and increase the role of community members in carrying out development in rural areas (Usat, 2013).

Customary leaders, such as damang and mantir, who serve as village peace judges also have the responsibility to maintain and enforce the legal system in the community ensuring that the law is implemented correctly. Customary leaders play an active role in daily activities together with the village community, not only taking care of the administrative needs of the village government but also participating in resolving various problems that occur in the community, such as problems of household disputes, marriage, inheritance, and so on (Hangge et al., 2023).

### **Dayak Tribe of Central Kalimantan**

The term 'Dayak tribe' was originally coined by colonial authorities to refer to the communities inhabiting the interior regions of Borneo, particularly those residing on the island of Kalimantan (Bella et al., 2021). The Dayak tribe is large, comprising the original population often referred to as the "indigenous population" of the island of Kalimantan (Njau et al., 2019). They are spread across several regions, such as West Kalimantan, Central Kalimantan, South Kalimantan, and East Kalimantan Provinces. Broadly speaking, the Dayak people are divided into seven groups: Ngaju Dayak, Apu Kayan Dayak, Iban Dayak, Klematan Dayak (also known as Land Dayak), Murut Dayak, Punan Dayak, and Danum Dayak. For Ngaju Dayak, they are spread across several districts, namely Kapuas Regency, South Barito Regency, North Barito Regency, East Kotawaringin Regency, West Kotawaringin Regency, Gunung Mas Regency and Palangka Raya City (Setyowati et al., 2005). The majority of the Ngaju Dayak tribe is Muslim (Wurdianto et al., 2024).

## ***The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency***

Abdul Khair, et al.

Tjilik Riwut, in his book entitled *Kalimantan Membangun*, further explains that the Dayak tribe in Kalimantan can be classified into seven large groups, namely: *Dayak Iban*, *Dayak Ot' Danum*, *Dayak Punan*, *Dayak Apokayan*, *Dayak Ngaju*, *Dayak Kalimantan*, and *Dayak Murut*. Furthermore, according to Tjilik Riwut, it is divided into 60 sub-tribes, which are further divided into 405 small tribes. Often the naming of the smallest sub-tribe is taken from the name of a tributary or branch of a river in the area, for example, the Bahau tribe because they live on the Bahau River, the Punan Tubu tribe because they live on the Tubu River, the Punan Boh tribe because they live on the Boh river, the Katingan tribe because they live on the Katingan river, Punan Mentarang on the Mentarang river, the Bungan tribe because they live on the Long Bungan river, and so on (Bella et al., 2021).

The distribution of the Dayak tribe has occurred for a long time, as the story spread within the Kayan community in West Kalimantan, that the Kayan people originally lived in Apokayan. Therefore, they named the tribe Apokayan, while designating the Ulu people and the term "Dayak" to refer to tribes outside of them, such as the Iban, Bidayuh, and others (Bella et al., 2021).

The Dayak people are known for their strong appreciation of diversity and the richness of their cultural expressions. They also value differences in ethnic groups, religions, and social backgrounds. The languages often used for communication in Central Kalimantan are Dayak, Banjar, Javanese, and also Indonesian.

### **Reasons Why Dayak Muslims Resolve Domestic Disputes with Customary Mantirs**

Customary law constitutes a set of normative rules that emerge from within a community, functioning as a guiding framework for social conduct among its members. The customs of the Dayak Ngaju tribe are influenced by the Kaharingan religion (Nissa & Huda, 2024). It depicts a harmonious and safe life, one that is peaceful both in body and soul. Therefore customary law is always obeyed by the community. In reality, in this life, citizens need each other so that each person has a stake in the community. However, in reality, the interests of the community often align with their wishes; however, their interests can also conflict with each other, necessitating regulations that govern the rights and obligations of each citizen to prevent conflicts (Marheni et al., 2022).

The results of an interview with Mr. Rohad I on August 12, 2024, a Dayak Muslim citizen who is currently 46 years old; he is a trader who has resolved household disputes with a traditional mantir. Mr. Rohadi explained that I prefer to resolve household disputes with a traditional mantir for the following reasons: (1) Resolving disputes with a traditional mantir is easier, and the traditional mantir office is closer. Each village has a designated office for the mantir adat, which facilitates easier access to customary dispute resolution, particularly in addressing household conflicts. When dealing with the Religious Court, the office is located a considerable distance away, so it requires a significant amount of time, energy, and money. (2) The traditional mantir office is open 24 hours, so you can deal with it at any time because the

## ***The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency***

Abdul Khair, et al.

traditional mantir is selected from local villagers. And (3) Resolving cases with a traditional mantir is easier in terms of procedures, unlike in formal courts, which are complicated and sometimes require the services of an advocate (Rohadi, Interview).

Meanwhile, Welly, a resident of Campaka Mulia Barat village, explained that he prefers to resolve household problems with the traditional mantir because the traditional mantir office is very close, being located in the same village, whereas the court office is far away. Additionally, dealing with the religious court is very complicated and requires a significant amount of money (Welly, interview).

A Dayak citizen who has resolved domestic disputes with the customary mantir is named Sahel, a resident of Sampit City. He said, "I prefer to resolve domestic disputes with the customary mantir rather than in court. The reason is that I am very familiar with the customary mantir, so it is easier to deal with." Besides, the decision of the customary mantir is usually neutral, so no one loses, and no one wins" (Sahel, interview).

Based on the interview findings, domestic dispute resolution among Muslim Dayak communities is considered more efficient, as it tends to be quicker and incurs minimal costs. The local culture of resolving domestic problems among Muslim Dayaks through this customary mantir reflects a sense of justice for those seeking justice.

### **The Role of Customary Mantir in Resolving Dayak Muslim Household Disputes**

One of the characteristics of an Indigenous society is that the role of the traditional head is vital in providing guidance and regulation to its citizens; the damang's words are always obeyed by its citizens (Rahman & Muzdalifah, 2022). The customary mantir as a village judge also plays a role in helping the village government resolve disputes in the community. The damang and customary mantir holds the customary head of the Dayak Tribe. Customary Law for Dayak people in Central Kalimantan refers to the Tumbang Anoi Customary Law. The name Tumbang Anoi is taken from the name of a village in Gunung Mas Regency, Central Kalimantan Province. Tumbang Anoi Village was the venue for the Dayak Tribe Peace Meeting from May 22 to July 24, 1894. Historically, Dayak communities in Kalimantan experienced internal conflicts marked by civil unrest and inter-tribal killings (Pratiwi et al., 2019).

For the Dayak community, particularly in East Kotawaringin Regency, the resolution of legal issues including domestic disputes among married couples is not necessarily dependent on formal court proceedings. Resolving domestic problems through traditional mediation is a non-litigation process that is considered preferable to resolving them through formal courts.

In another aspect, the village is a community entity that is privileged by the 1945 Constitution to manage its household. A Village Head will be considered a fair leader if he can maintain the community so that its citizens remain harmonious in social interactions. The community feels satisfied if there is unity between the community and its leader, who is also a judge in the midst of their lives (Nainggolan, 2018).

## ***The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency***

Abdul Khair, et al.

The results of an interview with the customary mantir from Sungai Uber Mandiri village, namely Mr. Musrizal, said: "In Sungai Uber village there are 3 customary mantirs, each 1 person from the Islamic religion, 1 person from the Christian religion, and 1 person from the Hindu Kaharingan religion. If there are residents who are Muslim and have problems with household matters, such as arguments, infidelity and so on, they will be resolved by the customary mantir who is Muslim. Likewise, if there are residents who are Hindu Kaharingan and have household problems, they will be resolved by the customary mantir who is Hindu Kaharingan. If there are problems with fights, theft, then all the mantirs in Sungai Uber Mandiri village will resolve them" (Musrizal, Interview, 2024).

Furthermore, Mr. Musrizal explained that the people of Sungai Uber village always resolve problems with me as the customary mantir, addressing any issue, whether domestic disputes among Muslim couples, land disputes, fights, or others. Due to the remote location of Sungai Uber Village from the sub-district center, the local community tends to prefer resolving issues through customary mechanisms (Musrizal, Interview, 2024).

The customary mantir for residents in East Kotawaringin Regency plays a significant role in society, particularly in addressing the problems faced by its residents. The customary mantir acts as a mediator in resolving disputes and has the authority to consider reports from residents in dispute and determine appropriate sanctions for community members involved in the dispute (Hangge et al., 2023). As a mediator, the customary mantir acts as a neutral third party, not siding with either party, and helps the disputing parties reach an agreement on the problems they face.

The customary mantir plays a vital role as a mediator in facilitating meetings between the disputing parties. After going through the mediation process, if there is no agreement between the disputing parties and the customary mantir, then the dispute resolution will be continued by involving the extended families of the parties and, religious leaders, and community leaders to help resolve the matter peacefully. In this case, Mr. Musrizal explained that: "The customary mantir tries in every way to help so that the disputing parties can be reconciled (Musrizal, interview).

Mediation activities, when implemented effectively, can undoubtedly yield results for the disputing parties, particularly in cases of domestic disputes and other complex issues. Mediation carried out by the disputing parties with the help of a mediator aims to reach an agreement for both parties with the aim of mutual benefit (*win-win solution*), and the disputing parties will feel satisfied because it is problem-solving; this practice is not to find out who loses who wins (Hariyani, 2020).

In general, mediation is an effort to resolve a dispute where the disputing parties agree to ask for help from an independent third party to act as a neutral mediator. Indeed, mediation as a means to resolve disputes outside the court is often applied by the court as a process for resolving disputes (Hariyani, 2020).

Customary Chiefs, such as damang and mantir, have a role as village peace judges, who have the authority to weigh the severity of sanctions that must be imposed on members of their community who are in conflict. The

## ***The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency***

Abdul Khair, et al.

Customary Chief is tasked with creating peace, thereby fostering a harmonious life in society (Palenewen, J. Y., Tanati, D., & Solossa, 2022). Resolving problems with a win-win solution is one form of resolution that is beneficial to the disputing parties because both parties have a balanced position (Palenewen, J. Y., Tanati, D., & Solossa, 2022).

When Mantir Adat led the implementation of mediation as the village peace judge, the disputing parties already understood the intent and purpose of the deliberation, as well as the rules and regulations that applied. At the event, Damang/Mantir Adat will provide equal opportunities for the disputing parties to speak in turns to convey the things that are the reasons that caused the dispute to occur (Darman, 2020).

Although the state creates courts to resolve conflicts that occur in society and courts are neutral, courts are not the only institution for resolving disputes because disputing parties are not always willing to use the resolution mechanism of judicial institutions (Raharjo, 2010).

### **Obedience of Muslim Dayak People to the Decisions of Customary Mantir in Resolving Domestic Disputes**

The existence of Dayak Customary Institutions in Central Kalimantan Province has been recognized, as they are regulated in Regional Regulation Number 16 of 2008 concerning Dayak Customary Institutions. Article 1 of this Regional Regulation states that Dayak Customary Institutions are community organizations, either intentionally formed or have grown and developed along with the development of society with its customary law area, and have the right and authority to regulate, manage, and resolve various problems in society by referring to Dayak customs, habits and customary laws (Yuliyanto, 2017).

The Kedamangan and Mantir institutions are Dayak traditional institutions that carry out judicial functions (Citranu, 2021). Kedamangan has its territory located throughout Central Kalimantan. For the East Kotawaringin Regency area, there are 17 Kedamangan villages, namely Campaga, Teluk Sampit, Bukit Santuai, Telawang, South Mentaya Hilir, North Mentaya Hilir, Hanaut Island, Mentawa Baru Ketapang, Baamang, and others. Indeed, in reality, the Dayak people are very obedient to customary law (Helim et al., 2022).

According to an interview with Mr. Musrizal, a mantir adat in Sungai Uber Mandiri Village, Campaga District, East Kotawaringin Regency, household disputes that he has mediated have, to date, been met with a high degree of compliance by the parties involved. Of the several household disputes that have been resolved, the disputing parties have generally obeyed the decisions (Musrizal, Interview).

Furthermore, Mr. Musrizal explained that if a couple who are having a dispute over household matters agree to make peace, then I, as the customary mantir will make a peace agreement. Both parties will sign it, as well as the mantir and damang, the families of both parties, and the community leaders present during the customary hearing (Musrizal, Interview).

Community compliance with the law is often influenced by the extent to which the legal norms and substance align with the values and expectations of the society it governs. Customary law provisions have strict sanctions; if



## ***The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency***

Abdul Khair, et al.

anyone does not want to obey customary decisions, they can be subject to even more severe sanctions, thereby forcing the parties to comply (Citranu, 2021). Regional Regulation of Central Kalimantan Province Number 1 of 2010 concerning Amendments to Regional Regulation of Central Kalimantan Province Number 16 of 2008 concerning Dayak Customary Institutions in Central Kalimantan in Article 28 paragraph 2 reads: "Parties who do not heed customary decisions as referred to in paragraph (1) may be subject to more severe customary sanctions because they damage the agreement and disrupt the balance that lives in the customary community". With this provision, the decisions made by the customary mantir are strictly obeyed by residents because there are sanctions if they are not implemented.

The authority of the customary chief, specifically the adat damang and adat mantir, in implementing Dayak customary justice does not conflict with the authority of the Supreme Court. Article 18 of Law Number 48 of 2009 concerning Judicial Power states that judicial power is exercised by the Supreme Court and judicial bodies under it in the general judicial environment, the religious judicial environment, the military judicial environment, the state administrative, judicial environment, and by the Constitutional Court.

The reality in society is that customary law exists, and its application is strictly adhered to by residents from generation to generation. Although its character is religious, magical, traditional, and communal, it is also grounded in the local community's religion and beliefs (Husein, 2021). Customary law constitutes one of the recognized sources of law within the Indonesian legal system. Therefore, it must be obeyed and obeyed. Those who obey Customary Law indirectly obey Positive Law. Customary law is considered sacred and philosophical, thereby raising awareness among the community to be more obedient to It and to abstain from violating it (Tanjung, 2021).

The results of the researcher's interview with Welly, a 24-year-old entrepreneur, revealed that the customary mantir would impose sanctions such as a fine or a sum of money. The amount of the fine is assessed based on the size of the error, referred to as kati ramo. Currently, 1 kati ramo is Rp250,000. If the mantir punishes one party, they must pay 10 kati ramo. If assessed in rupiah, it is 10 x Rp 250,000, totaling Rp 2,500,000. Suppose the convicted party is late in paying *the singer*. In that case, additional sanctions will be imposed, such as an increase in the fine to 11 kati ramo, because they have insulted customary law and customary justice and are considered not to have acted with bahadat (Welly, Interview).

The main tasks of Damang include supervising the implementation of customary law, maintaining customary institutions, resolving disputes and violations of customary law, and providing advice to local governments related to customary law. Additionally, Damang preserves and develops Indigenous culture and promotes Dayak cultural values (Raharjo, 2010). Philosophically, the life of the Dayak tribe is below bahadat (Sadiani et al., 2023).

According to Mr. Musrizal, a traditional mantir of Sungai Uber village, Cempaga District, the application of customary law for the Kotawaringin Timur district is very suitable because this area has many remote areas. Such as Sungai Uber village, which is more than 50 KM away from the formal court.

## ***The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency***

Abdul Khair, et al.

In addition, the process of implementing the trial in the customary court is easier and more practical because it does not require the services of an advocate. After all, the parties and their families are seated at one table.

Based on the research team's research in the field, until now, the average education of traditional mantir is only up to Senior High School (SLTA); some are even junior high school graduates, so it is necessary to provide traditional mantir with basic training in positive Indonesian law so that in conducting traditional trials and deciding on problems they do not conflict with the values of Human Rights (HAM).

### **Conclusion**

The main task of the customary mantir in Kotawaringin Timur district is to lead land clearing ceremonies, lead religious ceremonies, such as the tiwah ceremony, the manajah antang ceremony, marriage ceremonies, death/balian, and mapalas because this customary head is a figure who can connect and communicate with ancestral spirits and also can mediate. In addition, the customary mantir is also often asked to resolve household disputes for Muslim Dayak residents or through Alternative Dispute Resolution (ADR). The resolution of household problems for Muslim Dayak residents through this customary mantir is very effective because its implementation is based on the principles of civil procedural law, namely speed, simplicity, and low cost. The provisions of this customary mantir are strictly adhered to by the parties and have legal force because they are signed by the parties and known to the customary mantir and witnesses. The findings indicate that the community prefers resolving disputes through the mantir adat because the process is considered more accessible, with procedures that are simpler, do not require legal expertise or representation, are geographically closer, involve lower costs, and provide flexible services that are available at any time. This finding highlights the importance of strengthening the role of customary law in the dispute resolution system, which synergizes with state law. In addition, customary mantirs are mostly educated at high school, so the government should provide training to customary mantirs on knowledge of positive Indonesian law.

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***The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency***

Abdul Khair, et al.

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***The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency***

Abdul Khair, et al.

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***The Role of Traditional Mantir in Resolving Muslim Dayak Household Disputes in the East Kotawaringin Regency***

Abdul Khair, et al.

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